

**SUPREME COURT MINUTES
MONDAY, JANUARY 6, 2003
SAN FRANCISCO, CALIFORNIA**

S103427

C036210 Third Appellate District

Z. (JOHN), IN RE

Opinion filed: Judgment affirmed in full

Majority Opinion by Chin, J.

joined by Geroge C.J., Kennard, Baxter,
Werdegar, Moreno, JJ.

Dissent by Brown, J.

S112203

B163042 Second Appellate District,
Division Eight

C. (SERGIO) v. S.C. (PEOPLE)

Petition for review and application for stay denied

S112550

B163851 Second Appellate District,
Division Two

TREMAINE L.L.P. v. S.C. (LOS ANGELES)

Petition for review and application for stay denied

S015384

PEOPLE v. LETNER & TOBIN

Extension of time granted

To 3/7/2003 to file appellant LETNER'S opening brief. The court anticipates that after that date, no further extension will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel or record, of this schedule, and to take all steps necessary to meet it.

S021054

PEOPLE v. MOON (RICHARD R.)

Extension of time granted

To 2/3/2003 to file appellant's opening brief. Extension is granted based upon Assistant State Public Defender Barry P. Helft's representation that he anticipates filing that brief by 2/3/2003. After that date, no further extension will be granted.

S031603

PEOPLE v. LEWIS (JOHN)

Extension of time granted

To 3/4/2003 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S035348

PEOPLE v. SMITH (ROBERT LEE)

Extension of time granted

To 3/3/2003 to file appellant's opening brief. Extension is granted based upon counsel Scott F. Kauffman's representation that he anticipates filing that brief by 3/3/2003. After that date, no further extension is contemplated.

S036864

PEOPLE v. GUERRA (JOSE F.)

Extension of time granted

To 3/4/2003 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S042346

PEOPLE v. JONES (BRYAN)

Extension of time granted

To 3/7/2003 to file appellant's opening brief. After that date, only five further extensions totaling 300 additional days are contemplated. Extension is granted based upon Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing that brief by 12/1/2003.

S045078

PEOPLE v. CLARK (ROYAL)

Extension of time granted

To 2/28/2003 to file appellant's opening brief. After that date, only one further extension totaling 30 additional days will be granted. Extension is granted based upon counsel Melissa Hill's representation that she anticipates filing that brief by 3/1/2003.

S052808

PEOPLE v. GAMACHE (RICHARD C.)

Extension of time granted

To 3/3/2003 to file appellant's opening brief. The court anticipates that after that date, only five further extensions totaling 300 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S065573

PEOPLE v. BECERRA (FRANK K)

Extension of time granted

To 3/7/2003 to file appellant's opening brief. The court anticipates that after that date, only five further extensions totaling 300 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S065877

PEOPLE v. LOPEZ, SERNA & TRUJEQUE

Extension of time granted

To 3/10/2003 to appellant TRUJEQUE to request correction of the record. After that date, only three further extensions totaling 180 additional days are contemplated. Extension is granted based upon counsel Mark E. Cutler's representation that he anticipates filing that request in the superior court by 9/1/2003. Counsel for appellant is ordered to serve a copy

of the record correction motion on this court upon its filing in the superior court.

S068230

PEOPLE v. BUTLER, RAYMOND OSCAR
Extension of time granted

To 3/7/2003 to file appellant's opening brief. The court that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S074429

PEOPLE v. QUARTERMAIN (DRAX)
Extension of time granted

To 3/10/2003 to file respondent's brief. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General Sharon G. Birenbaum's representation that she anticipates filing that brief by 4/7/2003.

S104477

G026626 Fourth Appellate District,
Division Three
G027036

GAVALDON v. DAIMLERCHRYSLER
Extension of time granted

On application of appellants Rosemarie Gavaldon et al. and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to and including Jan. 17, 2003.

S106273

B143771 Second Appellate District,
Division Seven

PEOPLE v. SEEL
Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to and including January 25, 2003.

S107791

F036844 Fifth Appellate District

PEOPLE v. BUTLER

Extension of time granted

Respondent's time to serve and file the answer brief on the merits is extended to and including January 27, 2003. NO FURTHER EXTENSIONS WILL BE GRANTED.

S109711B139975 Second Appellate District,
Division Seven

CASSIM v. ALLSTATE INSURANCE COMPANY

Extension of time granted

Appellant's time serve and file the answer brief is extended to and including February 3, 2003. The motion by appellant to dismiss review is hereby denied.

S109735B149088 Second Appellate District,
Division Seven

JULIAN v. HARTFORD UNDERWRITERS

Extension of time granted

Pursuant to California Rules of Court, rule 29.3(a), the parties' stipulation extending the time for filing Respondent's Brief is denied. On its own motion, the court extends the time for filing for filing Respondent's Brief by thirty days, to and including January 24, 2003. (California Rules of Court, rule 45(c).) Any further extensions will only be granted upon the required showing of good cause. (See California Rules of Court, rule 45.5).

S110683A094946 First Appellate District,
Division Five

BLACK (CHARLES ALEX) ON H.C.

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the First District Appellate Project is hereby appointed to represent appellant on his appeal now pending in this court. Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S102722B143501 Second Appellate District,
Division Six

PEOPLE v. STANISTREET

Order filed

Pending further order of the court, the finality of the opinion in the above-entitled case is hereby extended to and including March 5, 2003.

S108353

F036961 Fifth Appellate District

PEOPLE v. HOWARD

Order filed

The request to file an oversized Appellant's Opening Brief on the Merits which is 75 pages long, in excess of the 50 page limit, is hereby GRANTED.

S097113

KHAVARIAN ON DISCIPLINE

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and KOOROS JAMES KHAVARIAN, State Bar No. 171550, shall be actually suspended from the practice of law for 12 months. Within one year after the effective date of this Order, he shall attend the State Bar Ethics School and take and pass the test given at the end of such session. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on October 11, 2002 (Business & Professions Code section 6007(d)(3)). Kooros James Khavarian is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S110456**WHITE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that HERBERT DAVID WHITE, State Bar No. 163930, be suspended from the practice of law for four years, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 2, 2002. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S110458**NAPIER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that DAVID WESTON NAPIER, State Bar No. 192275, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including actual suspension of six months and until he pays the United States Trustee the amounts set forth in the May 17, 2001, order of the Bankruptcy Court in case no. LA MI 01-00007 (Central District of California), recommended by the Hearing Department of the State Bar Court in

its order approving stipulation filed on June 6, 2002, as modified by its order filed August 1, 2002. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is later. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S110557

HO'OKANO ON DISCIPLINE
Recommended discipline imposed

It is ordered that THOMAS EUGENE HO'OKANO, State Bar No. 52477, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Thomas Eugene Ho'okano is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed June 11, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v.*

State Bar (1976) 15 Cal.3d 878, 891, fn. 8.)
Costs are awarded to the State Bar pursuant to
Business & Professions Code section 6086.10
and payable in accordance with Business &
Professions Code section
6140.7.

S110672

GOTLIEB ON DISCIPLINE
Recommended discipline imposed

It is ordered that LAWRENCE MARK
GOTLIEB, State Bar No. 165462, be suspended
from the practice of law for 24 months and until
he has shown proof satisfactory to the State Bar
Court of his rehabilitation, fitness to practice and
learning and ability in the general law pursuant
to standard 1.4(c)(ii) of the Standards for
Attorney Sanctions for Professional Misconduct,
that execution of the suspension be stayed, and
that he be placed on probation for 24 months on
condition that he be actually suspended for 12
months and until he makes restitution to
Carolina Avalos (or the Client Security Fund, if
appropriate) in the amount of \$4,925.00 plus
10% interest per annum from May 1, 2000, and
furnishes satisfactory proof thereof to the
Probation Unit, State Bar Office
of the Chief Trial Counsel. If Lawrence Mark
Gotlieb is actually suspended for two years or
more, he shall remain actually suspended until
he provides proof to the satisfaction of the State
Bar Court of his rehabilitation, fitness to practice
and learning and ability in the general law
pursuant to standard 1.4(c)(ii) of the Standards
for Attorney Sanctions for Professional
Misconduct Lawrence Mark Gotlieb is further
ordered to comply with the other conditions of
probation recommended by the Hearing
Department of the State Bar Court in its Order
Approving Stipulation filed on July 31, 2002. It
is also ordered that he take and pass the
Multistate Professional Responsibility
Examination within one year after the effective
date of this order or during the period of his
actual suspension, whichever is longer. (See

Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Lawrence Mark Gotlieb is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and full amount of said costs shall be added to and become part of the membership fees for the year 2003. (Bus. & Prof. Code section 6086.10.)

S110673**WILKES ON DISCIPLINE****Recommended discipline imposed**

It is ordered that LEO BENSON WILKES, State Bar No. 114253, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation, including one year actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 16, 2002. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2003, 2004 and 2005.

S110674**WINSTON ON DISCIPLINE****Recommended discipline imposed**

It is ordered that FRANK DENNY WINSTON, State Bar No. 28599, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the

conditions of probation, including 5 months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 21, 2002. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S110682

CORREN ON DISCIPLINE

Recommended discipline imposed: disbarred

S110689

LIPPMANN DISCIPLINE

Recommended discipline imposed: disbarred

S110691

KAWASE ON DISCIPLINE

Recommended discipline imposed

It is ordered that SUZANNE E. KAWASE, State Bar No. 188936, be suspended from the practice of law for one year and until she makes restitution to the Sagaras (or the Client Security Fund, if appropriate) in the amount of \$4,000.00 plus 10% interest per annum from March 15, 2000, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 30 days. Suzanne E. Kawase is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 21, 2002. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to

the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

S112323

EWELL ON RESIGNATION

Resignation accepted with disc. proceeding pending

S112324

KAVALARIS ON RESIGNATION

Resignation accepted with disc. proceeding pending

S112572

FINK ON RESIGNATION

Resignation accepted with disc. proceeding pending

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF
THE COMMITTEE OF BAR EXAMINERS OF
THE STATE OF CALIFORNIA FOR
ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)